

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred House Bill No. 1901, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 13-11-2-7.5 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2001]: Sec. 7.5. "Antique", for purposes of
- 6 **IC 13-20-17.5, refers to a product manufactured before 1980.**
- 7 SECTION 2. IC 13-11-2-58 IS AMENDED TO READ AS
- 8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 58. (a) "District", for
- 9 purposes of **IC 13-20-17.5**, IC 13-20-20, IC 13-21, and IC 13-20-22,
- 10 refers to:
- 11 (1) a county solid waste management district; or
- 12 (2) a joint solid waste management district;
- 13 established under IC 13-21-3-1 or IC 13-9.5-2-1 (before its repeal).
- 14 (b) "District", for purposes of IC 13-26, refers to a regional water,
- 15 sewage, or solid waste district established under:
- 16 (1) IC 13-26;
- 17 (2) IC 13-3-2 (before its repeal on July 1, 1996); or
- 18 (3) IC 19-3-1.1 (before its repeal on April 1, 1980)."
- 19 Page 2, line 11, delete "IC 13-11-2-128.5" and insert "IC

1 13-11-2-128.3".

2 Page 2, line 13, delete "Sec. 128.5." and insert "**Sec. 128.3.**".

3 Page 2, between lines 28 and 29, begin a new paragraph and insert:

4 "SECTION 6. IC 13-11-2-128.5 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2001]: **Sec. 128.5. (a) "Mercury-added**
7 **product", for purposes of this chapter and IC 13-20-17.5, means:**

8 **(1) a product that contains:**

9 **(A) elemental mercury;**

10 **(B) metallic mercury in an alloy;**

11 **(C) inorganic mercury salt; or**

12 **(D) organic mercury;**

13 **intentionally added by the manufacturer in order to provide**
14 **a specific characteristic, appearance, or quality to the product**
15 **or to perform a specific beneficial function for the product; or**

16 **(2) a product with a component that meets the criteria of**
17 **subdivision (1).**

18 **(b) "Mercury-added product" does not include:**

19 **(1) a product in which mercury is a residue from the**
20 **intentional use of mercury in the manufacturing process, if**
21 **the mercury residue does not:**

22 **(A) provide a specific characteristic, appearance, or**
23 **quality to the product; or**

24 **(B) perform a specific beneficial function for the product;**
25 **or**

26 **(2) a mercury commodity.**

27 SECTION 7. IC 13-11-2-128.6 IS ADDED TO THE INDIANA
28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2001]: **Sec. 128.6. "Mercury commodity", for**
30 **purposes of this chapter and IC 13-20-17.5, means a product that**
31 **consists of only mercury and its container (such as a container of**
32 **mercury that is opened and from which mercury is put into a**
33 **mercury-added product) if the mercury is not performing a**
34 **specific beneficial function for the product."**

35 Page 2, line 37, delete "13-11-2-142.5" and insert "**13-11-2-142.6**".

36 Page 2, line 39, delete "142.5." and insert "**142.6.**".

37 Page 4, between lines 8 and 9, begin a new paragraph and insert:

38 "SECTION 12. IC 13-11-2-180 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 180. "Recycling", for
 2 purposes of **IC 13-20-17.5 and** IC 13-21, means a process by which
 3 materials that would otherwise become solid waste are:

- 4 (1) collected;
 5 (2) separated or processed; and
 6 (3) converted into materials or products for reuse or sale.

7 SECTION 13. IC 13-11-2-242 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 242. "Unit", for
 9 purposes of:

- 10 (1) section 148(c) of this chapter;
 11 **(2) IC 13-20-17.5;**
 12 ~~(2) (3)~~ IC 13-20-20; and
 13 ~~(3) (4)~~ IC 13-23;

14 has the meaning set forth in IC 36-1-2-23."

15 Page 4, line 25, delete "or a product intended mainly for personal
 16 or".

17 Page 4, line 26, delete "household enjoyment or adornment".

18 Page 4, line 27, delete "product" and insert "**novelty**".

19 Page 4, line 27, after "battery" insert "**to function**".

20 Page 4, line 28, delete "product" and insert "**novelty**".

21 Page 4, line 31, delete ":" and insert "**final sale; or**".

22 Page 4, delete lines 32 and 33.

23 Page 4, delete lines 37 through 40.

24 Page 4, line 42, after "or" insert "**to**".

25 Page 5, line 5, delete "After" and insert "**Except as provided in**
 26 **subsection (c), after**".

27 Page 5, line 6, after "if" insert ":".

28 Page 5, line 6, delete "the individual has a", begin a new line block
 29 indented and insert:

30 **"(1) the person is a pharmacist or a pharmacist's assistant**
 31 **working at a pharmacy; and**

32 **(2) the thermometers are stored in such a manner that the**
 33 **pharmacist or the pharmacist's assistant must obtain the**
 34 **thermometer for the individual.**

35 **(c) A licensed practitioner of medicine may sell or supply a**
 36 **mercury fever thermometer to an individual."**

37 Page 5, delete lines 7 through 13.

38 Page 5, line 17, delete "elemental mercury" and insert "**a mercury**

- 1 **commodity".**
- 2 Page 5, line 23, delete "elemental mercury" and insert "**a mercury**
- 3 **commodity".**
- 4 Page 5, line 23, after "state" insert "**(other than for collection for**
- 5 **recycling)".**
- 6 Page 5, line 24, delete "elemental mercury" and insert "**mercury**
- 7 **commodity".**
- 8 Page 5, line 25, delete "elemental" and insert "**mercury**
- 9 **commodity;".**
- 10 Page 5, line 26, delete "mercury;".
- 11 Page 5, line 27, delete "elemental mercury" and insert "**mercury**
- 12 **commodity".**
- 13 Page 5, line 28, after "statement" insert "**with respect to the**
- 14 **mercury in the mercury commodity".**
- 15 Page 5, between lines 32 and 33, begin a new line triple block
- 16 indented and insert:
- 17 **"(iii) for training;".**
- 18 Page 5, line 33, delete "(iii)" and insert "**(iv)".**
- 19 Page 5, line 34, delete "(iv)" and insert "**(v)".**
- 20 Page 5, line 37, after "mercury" insert "**under normal conditions**
- 21 **of use".**
- 22 Page 5, line 38, after "not" insert "**intentionally".**
- 23 Page 5, line 42, after "mercury" insert "**commodity".**
- 24 Page 6, delete lines 2 through 15.
- 25 Page 6, line 16, delete "Sec. 6." and insert "**Sec. 5. (a)".**
- 26 Page 6, line 16, after "department" insert "**, and districts in**
- 27 **cooperation and with the support of the department,".**
- 28 Page 6, line 16, delete "an".
- 29 Page 6, line 16, delete "program" and insert "**programs".**
- 30 Page 6, line 17, after "concerning" insert ":".
- 31 Page 6, line 17, delete "collection", begin a new line block indented
- 32 and insert:
- 33 **"(1) the reuse and recycling of mercury in:**
- 34 **(A) mercury commodities; and**
- 35 **(B) mercury-added products; and**
- 36 **(2) collection programs available to the public for:**
- 37 **(A) mercury commodities; and**
- 38 **(B) mercury-added products.**

(b) Units, in cooperation and with the support of the department, may implement education programs to provide information to the public concerning:

(1) the reuse and recycling of mercury in:

(A) mercury commodities; and

(B) mercury-added products; and

(2) collection programs available to the public for:

(A) mercury commodities; and

(B) mercury-added products."

Page 6, delete lines 18 through 19.

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 6. (a) Districts shall implement mercury collection programs for the public and small businesses.

(b) Units may implement mercury collection programs for the public and small businesses.

SECTION 16. IC 13-21-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

(1) The power to develop and implement a district solid waste management plan under IC 13-21-5.

(2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.

(3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(4) The power to sue and be sued.

(5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.

(6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

(A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.

(B) The managing or disposal of solid waste.

(C) The sale or other disposition of materials or products

1 generated by a facility.

2 Notwithstanding any other statute, the maximum term of a
3 contract or an agreement described in this subdivision may not
4 exceed forty (40) years.

5 (7) The power to enter into agreements for the leasing of facilities
6 in accordance with IC 36-1-10 or IC 36-9-30.

7 (8) The power to purchase, lease, or otherwise acquire real or
8 personal property for the management or disposal of solid waste.

9 (9) The power to sell or lease any facility or part of a facility to
10 any person.

11 (10) The power to make and contract for plans, surveys, studies,
12 and investigations necessary for the management or disposal of
13 solid waste.

14 (11) The power to enter upon property to make surveys,
15 soundings, borings, and examinations.

16 (12) The power to:

17 (A) accept gifts, grants, loans of money, other property, or
18 services from any source, public or private; and

19 (B) comply with the terms of the gift, grant, or loan.

20 (13) The power to levy a tax within the district to pay costs of
21 operation in connection with solid waste management, subject to
22 the following:

23 (A) Regular budget and tax levy procedures.

24 (B) Section 16 of this chapter.

25 However, except as provided in section 15 of this chapter, a
26 property tax rate imposed under this article may not exceed eight
27 and thirty-three hundredths cents (\$0.0833) on each one hundred
28 dollars (\$100) of assessed valuation of property in the district.

29 (14) The power to borrow in anticipation of taxes.

30 (15) The power to hire the personnel necessary for the
31 management or disposal of solid waste in accordance with an
32 approved budget and to contract for professional services.

33 (16) The power to otherwise do all things necessary for the:

34 (A) reduction, management, and disposal of solid waste; and

35 (B) recovery of waste products from the solid waste stream;
36 if the primary purpose of activities undertaken under this
37 subdivision is to carry out the provisions of this article.

38 (17) The power to adopt resolutions that have the force of law.

1 However, a resolution is not effective in a municipality unless the
2 municipality adopts the language of the resolution by ordinance
3 or resolution.

4 (18) The power to do the following:

5 (A) Implement a household hazardous waste and conditionally
6 exempt small quantity generator (as described in 40 CFR
7 261.5(a)) collection and disposal project.

8 (B) Apply for a household hazardous waste collection and
9 disposal project grant under IC 13-20-20 and carry out all
10 commitments contained in a grant application.

11 (C) Establish and maintain a program of self-insurance for a
12 household hazardous waste and conditionally exempt small
13 quantity generator (as described in 40 CFR 261.5(a))
14 collection and disposal project, so that at the end of the
15 district's fiscal year the unused and unencumbered balance of
16 appropriated money reverts to the district's general fund only
17 if the district's board specifically provides by resolution to
18 discontinue the self-insurance fund.

19 (D) Apply for a household hazardous waste project grant as
20 described in IC 13-20-22-2 and carry out all commitments
21 contained in a grant application.

22 (19) The power to enter into an interlocal cooperation agreement
23 under IC 36-1-7 to obtain:

24 (A) fiscal;

25 (B) administrative;

26 (C) managerial; or

27 (D) operational;

28 services from a county or municipality.

29 (20) The power to compensate advisory committee members for
30 attending meetings at a rate determined by the board.

31 (21) The power to reimburse board and advisory committee
32 members for travel and related expenses at a rate determined by
33 the board.

34 (22) In a joint district, the power to pay a fee from district money
35 to the counties in the district in which a final disposal facility is
36 located.

37 (23) The power to make grants or loans of:

38 (A) money;

1 (B) property; or
 2 (C) services;
 3 to public or private recycling programs, composting programs, or
 4 any other programs that reuse any component of the waste stream
 5 as a material component of another product, if the primary
 6 purpose of activities undertaken under this subdivision is to carry
 7 out the provisions of this article.

8 (24) The power to establish by resolution a nonreverting capital
 9 fund. A district's board may appropriate money in the fund for:

- 10 (A) equipping;
- 11 (B) expanding;
- 12 (C) modifying; or
- 13 (D) remodeling;

14 an existing facility. Expenditures from a capital fund established
 15 under this subdivision must further the goals and objectives
 16 contained in a district's solid waste management plan. Not more
 17 than five percent (5%) of the district's total annual budget for the
 18 year may be transferred to the capital fund that year. The balance
 19 in the capital fund may not exceed twenty-five percent (25%) of
 20 the district's total annual budget. If a district's board determines
 21 by resolution that a part of a capital fund will not be needed to
 22 further the goals and objectives contained in the district's solid
 23 waste management plan, that part of the capital fund may be
 24 transferred to the district's general fund, to be used to offset
 25 tipping fees, property tax revenues, or both tipping fees and
 26 property tax revenues.

27 (25) The power to conduct promotional or educational programs
 28 that include giving awards and incentives that further the district's
 29 solid waste management plan.

30 **(26) The power to conduct educational programs under**
 31 **IC 13-20-17.5 to provide information to the public**
 32 **concerning:**

- 33 **(A) the reuse and recycling of mercury in:**
 - 34 **(i) mercury commodities; and**
 - 35 **(ii) mercury-added products; and**
- 36 **(B) collection programs available to the public for:**
 - 37 **(i) mercury commodities; and**
 - 38 **(ii) mercury-added products.**

- 1 **(27) The power to implement mercury collection programs**
- 2 **under IC 13-20-17.5 for the public and small businesses."**

3 Renumber all SECTIONS consecutively.

(Reference is to HB 1901 as reprinted February 28, 2001.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Gard

Chairperson